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Atty. Dkt. No 046983-0103

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: A. Maxwell Eliscu

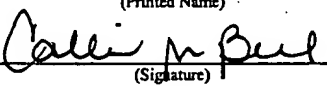
Title: SYSTEM FOR AND METHOD  
OF HANDLING REFERRALS  
FROM REFERRING PARTIES

Appl. No.: 09/667,391

Filing Date: 09/20/2000

Examiner: Jeffrey Pwu

Art Unit: 3628

<b>CERTIFICATE OF MAILING</b> I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below.  Callie M. Bell (Printed Name)   (Signature)  October 7, 2004 (Date of Deposit)
--

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT**  
**UNDER 37 C.F.R. § 1.181**

MAIL STOP PETITIONS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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**GROUP 3600**

Sir:

On October 5, 2004, we received a Notice of Abandonment mailed September 30, 2004 relative to the above-identified application (hereafter the "Application"). Request is hereby respectfully made, in accordance with 37 C.F.R. § 1.181, that the Notice of Abandonment be withdrawn relative to the Application.

Applicant received a Notice of Abandonment, mailed September 30, 2004 and received by applicants on October 5, 2004, indicating that the Application was abandoned for failure to timely and properly respond to the Office Action mailed on January 13, 2004. However, applicant's attorney filed a proper and timely response to the Office Action on April 12, 2004. The response was received in the U.S. Patent and Trademark Office on April 14, 2004 as evidenced by the enclosed stamped postcard received by applicant's attorney from the U.S. Patent and Trademark Office on April 19, 2004. As a result, the Notice of Abandonment should be withdrawn.

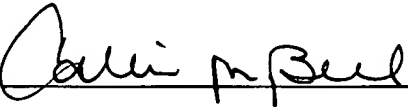
Enclosed with this petition is a photocopy of the postcard received from the U.S. Patent and Trademark Office that verifies receipt of the above-mentioned response. Also enclosed is a copy of the Amendment Transmittal and the Amendment and Reply that were filed with the postcard.

According to MPEP § 711.03(c) I., no fee is due. Nonetheless, if it is determined that a fee is required with regard to this Petition, the Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-2350.

Respectfully submitted,

Dated: October 7, 2004

FOLEY & LARDNER LLP  
Customer Number: 23524  
Telephone: (608) 258-4263  
Facsimile: (608) 258-4258

By \_\_\_\_\_

Callie M. Bell  
Attorney for Applicant  
Registration No. 54,989



$\sqrt{N^2}/PSH$

**UNITED STATES DEPARTMENT OF COMMERCE**  
United States Patent and Trademark Office  
Address: **COMMISSIONER FOR PATENTS**  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/667,391	09/20/2000	A. Maxwell Eliscu	46983/103A	6064
26371	7590	09/10/2004	EXAMINER	
FOLEY & LARDNER			PWU, JEFFREY C	
777 EAST WISCONSIN AVENUE				
SUITE 3800				
MILWAUKEE, WI 53202-5308				
RECEIVED			ART UNIT	
			PAPER NUMBER	
			3628	

DATE MAILED: 09/30/2004

**Please find below and/or attached an Office communication concerning this application or proceeding.**

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GROUP 3000

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MA  
10/5/04



# **Notice of Abandonment**

Application No.

09/667,391

Examiner

Jeffrey Pwu

Applicant(s)

ELISCU, A. MAXWELL

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 13 January 2004.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

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Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



THE U.S. PATENT AND TRADEMARK OFFICE OFFICIAL  
MAILROOM STAMP AFFIXED HERETO ACKNOWLEDGES  
RECEIPT OF THE ITEMS CHECKED BELOW:

MAILED VIA FIRST CLASS MAIL

Serial No.: 09/667,391

Applicant(s): A. Maxwell Eliscu

Filed: 9/20/2000

Title: SYSTEM FOR AND METHOD OF  
HANDLING REFERRALS FROM REFERRING  
PARTIES

Date Mailed: April 12, 2004

- ☒ Amendment Transmittal (2 pages) (duplicate)
- ☒ Amendment and Reply (18 pages) (duplicates  
of page 1 and signature page)



DOCKET NO.: 046983-0103

Atty.: PSH *gd*

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